

JOURNAL
OF THE
ASIATIC SOCIETY.

PART I.—HISTORY, LITERATURE, &c.

No. III.—1866.

A notice of the Çaunaka Smṛiti. By Professor GEORGE BÜHLER,
Superintendent of Sanskrit Studies, Punah College.

[Received 26th Sept., 1865.]

There is a passage in the introduction to Shadguruçishya's commentary on the Sarvânukramaṇí,* which professes to give an account of the life and works of the ancient sage and writer on the Rig Veda, Çaunaka. It is stated there that Kátyáyana, who compiled the Sarvânukramaṇí, or "general index to the Rig Veda" from the separate indexes made by Çaunaka, knew and studied ten works ascribed to this author. The last, in the list given there, is "the Smárta" or work on matters relating to traditional laws on ceremonies. In the Mánavadharmaçástra (III. 16) Çaunaka is also mentioned as a writer on law, and in modern works, such as the Dattakamímámsá, Dattakachandriká, Nirṇayasindhu, Samskárakaustubha, Vyavaháramayúkha, we find a number of çlokas attributed to this Rishi. A considerable portion of these verses treats of the law of adoption, and this circumstance induced me, when my attention lately was directed to the Hindu law, to make a search for the Çaunaka-smṛiti. By the recovery of this work, I hoped to be enabled to decide a rather difficult question regarding the unconditional right of Hindu widows to adopt a son, which arises out of a reading, given by one of the modern law-books. Besides, as I believed with Professor Stenzler,† that the Çaunaka-smṛiti treated exclusively of adoption, I expected to gain

* M. Müller, Hist. Sk. Lit. p. 233l.

† See Weber Ind. Stud. Vol. I. p.

fuller information regarding this difficult and interesting chapter of the Hindu law. My endeavours were successful, and I obtained two books, the one of which is known amongst our çāstris as the *Bṛihat*—or great—the other as the *Laghu*—or small, *Çaunaka-smṛiti*. The larger of these two works, which contains about 2,500 çlokas, is, however, in my MS. called the *Çaunakíyá-káriká*, or “ memorial verses of *Çaunaka*.” The smaller, which consists of about 300 çlokas, is called *Yajnángadharmaçástram*, “ or the *Dharmaçástra* connected with the sacrifice.”*

The former of the two, the *Çaunakíyá-káriká*, proves to be the work, which *Nanda Paṇḍita* the author of the *Dattakamímámsá*, and other writers on adoption, quote, and it appears, that not the whole of it refers to adoption, but only a small part, which has been given in the *Mayúkha* and in the *Samskárakaustubha* in its entirety. Though my hope to obtain fresh information regarding the law of adoption has therefore proved to be vain, I nevertheless venture to publish this notice of the work, as it assists to decide the question alluded to before, and as from a historical point of view some interest attaches to every work that bears the name of *Çaunaka*. My copy is a transcript of a MS. written in the end of the last century (*Çáka*, 1711, A. D. 1790), and, by no means free from faults. But it will enable me to give an idea of the nature of the work.

The MS. opens with three verses which cannot belong to *Çaunaka*, but seems to have been added by some later hand.

They run as follows :—

Jayanti jagadátmánas tamah samxaya bhásharáh
 Rámánuja padávápta bhúshanáh purushottamáh
 Çrutismṛiti-jalápúrṇam çástra-kallola-samkulam
 Vishṇubhakti-mahá-potam vandeham çaunakárnavam
 Tatsatram çaunako drishṭvá svayam harsha samanvitáh
 Vyápáṭhayatsvaham çishyam tam namámyáçvaláyanam.

1. “ Those best of men conquer, who are the souls of the world, the suns for the destruction of darkness, who are adorned (by the faith taught) by the feet of *Rámánuja*.”

2. I worship *Çaunaka*, who is comparable to an ocean, whose

* In my copy the beginning is wanting. The book treats of sacrificial rites and seems to be of no importance for the Hindu law.

waters are the Çṛuti (Vedas) and Smṛitis, whose waves are the Institutes of science, and which is traversed by the great ship of the faith in Viṣṇu.

3. I bow to Açvaláyana, his pupil, whom Çaunaka himself taught joyfully, after having seen that great sacrifice (in the Nimisha forest.)”

After this exordium, which evidently has been composed by a follower of Rámánuja, begins the work itself. It consists of :—

1. Paribhášás.
2. Sthálpákavidhi.
3. Mútrapuríšhotsargavidhi.
4. Sandhyopásanávidhi.
5. Kámyajapavidhi.
6. Dhanárjanavidhi.
7. Snánavidhi.
8. Brahmayaajnavidhi.
9. Devapújávidhi.
10. Vaiçvadevavidhi.
11. Kautukabandhanavidhi.
12. Ankurárpanavidhi.
13. Řituçántividhi.
14. Garbhálabhanavidhi.
15. Pumsavanánavalobhane.
16. Símantonnayanavidhi.
17. Yátakarmavidhi.
18. Námakaraṇavidhi.
19. Nishkramaṇavidhi.
20. Annapráçanavidhi.
21. Caulakarmavidhi.
22. Upanayanavidhi.
23. Bhikshávidhi.
24. Anupravacaníyavidhi.
25. Medhájananavidhi.
26. Upákarmavidhi.
27. Utsarjanavidhi.
28. Mahávratavidhi.
29. Upanishadvratavidhi.

30. Godánavidhi.
31. Samávartanavidhi.
32. Kanyábhyantaravidhi.
33. Viváhalakṣhaṇavidhi.
34. Vadhúgṛihagamanavidhi.
35. Madhuparkavidhi.
36. Kanyádánavidhi.
37. Viváhavidhi.
38. Gṛihapraveçaniyavidhi.
39. Stambhabalividhi.
40. Abdapratishthávidhi.
41. Udyánapratishthávidhi.
42. Açvatthasthápanavidhi.
43. Grámapratishthávidhi.
44. Atipatrahomavidhi.
45. Punahsamdhánavidhi.
46. Nástikyádivisriṣṭágniḥ punah samdhânam.
47. Dvibharyágnisamsaryavidhi.
48. Arkaviváha.
49. Putrakámesṭi.
50. Putraparigrahavidhi.
51. Samáropaṇavidhi.
52. Párvaṇasthálípáka.
53. Prati sthálípákavidhi.
54. Çravaṇákarmavidhi.
55. Sarpabalih.
56. Açvayujíkarmavidhi.
57. Ágráyaṇavidhi.
58. Abhishekavidhi.
59. Grahaṇábhishekavidhi.
60. Samkrántábhishekavidhi.
61. Rájábhishekavidhi.
62. Paṭṭábhishekavidhi.
63. Apamṛityuhomah.
64. Áyushyahomavidhi.
65. Bṛihaspatiçánti.
66. Ádityaçánti.

67. Adbhutaçánti.
68. Svapnotpátavidhi.
69. Vidyudagnividhi.
70. Valmikaçánti.
71. Gojaçánti.
72. Gojavagaçánti.
73. Açvataréçánti.
74. Yaxmaçánti.
75. Saxvarogaçánti.
76. Kṛityáçánti.
77. Çatruçánti.
78. Abhicáraçánti.
79. Jivaçráddha.
80. Garbhigiyudakasthádi samskáravidhi.
81. Múlaçánti.
82. Açleshaçánti.
83. Vaidhṛiti vyatípáta samkrántividhi.
84. Grahaṇasútividhi.
85. Abdapúrtividhi.
86. Yatisamskáravidhi.
87. Áhitágnerdeçántaramaraṇavidhi.
88. Brahmaçárimaraṇavidhi.
89. Sarpasamskáravidhi.
90. Abhyúdayaçráddhavidhi.
91. Kámyádiçráddha.
92. Piṇḍapitṛiyajnavidhi.
93. Párvanaçráddhavidhi.
94. Saptamíçráddha.
95. Ashtamíçráddha.
96. Anvashtakíçráddha.
97. Naxatrahomaçánti.
98. Nárāyaṇabali.

From this summary it will appear, that the work is more extensive than a Grihyasútra. It contains more matter than the latter class of works usually do, especially the çántis or “propitiatory rites” are peculiar to it. Besides, its descriptions of the various ceremonies are fuller and more detailed than those in the Sútras. They resemble

most those of the modern Prayogas or "Manuals." On the other hand the work is not like a Dharmasūtra or Dharmashāstra, as it gives less the duties of a Hindu than a description of the various rites to be performed by him.

The first question which now obtrudes itself, is, whether this curious work is really a composition of the ancient sage Çaunaka or a production of later times. The fact, that so very frequently a new topic is introduced with the words "I, Çaunaka, will declare" (Çaunakoham pravaxyāmi) and similar phrases, would seem to furnish proof that the Kārikā is the original work of Çaunaka.

Besides there is some circumstantial evidence which makes in favour of this opinion. Firstly, nearly all the Mantras quoted are taken from the Ṛig Veda and show that the author was a follower of this Veda. As it is well known that Çaunaka belonged to the Bahvṛicas, this fact is of some importance. Secondly, many passages of the Kārikā agree almost literally with the Sūtras of Āçvalāyana, and these two works agree very closely in regard to some ceremonies which are unknown to the other Vedic schools. As, according to tradition, Āçvalāyana was a pupil and follower of Çaunaka, these points also speak for the authenticity of the Kārikā.

The rules regarding the Garbhālabhana and the Anavalabhana, two ceremonies to which are to be performed soon after marriage, furnish an instance of the close resemblance of the two works. Āçvalāyana says Grihyasūtra I. 13.1. upanishad ; garbhalambhanam pumsavanam anavalabhanam ca. I. 13.2 : yad? nādhyāt.

1. In the Upanishad are (prescribed) the Garbhalambhana, Pumsavana, and Anavalabhana.

2. If he does not study it (he shall perform the following rite).

Çaunaka gives the following rules on this subject :—

Garbhalambhaḥ pumsavanam garbhasyānavalobhanam. Iti karmatrayamidam yajnopanishadēritam.

Tāmadhītavataḥ karma trayam tathaiva sugrahaḥ.

Anadhīta vā tas tvesha pra yogotra nibadhyate.

"The Garbhalambha, the Pumsavana and the Garbhānavalobhana, these three ceremonies are enjoined in the Yajnopanishad. These three ceremonies, which are easily understood, (ought to be performed)

by him who has studied that (Upanishad). But for him who has not studied it, the following rite is ordained." The similarity of these passages has so much more weight, as *Āçvalāyana* and *Çaunaka* are the only writers on *Grihya* ceremonies known, who mention the two ceremonies. Another case in which the *Kārikā* and the *Grihyaçútra* fully agree is the order of the forms of marriage. In *Āçvalāyana's* enumeration the *Paigāca* form stands last but one, and the *Rāxasa* form last. The *Kārikā* gives the same order, whilst *Manu*, *Yājñavalkya* and *Vishṇu* make the *Paigāca* form follow the *Rāxasa*. It would be easy to multiply these instances of resemblance between the two works.

But though the work announces itself as proceeding from *Çaunaka*, and though there is apparently some circumstantial evidence supporting this claim, there are also some points which make it highly improbable that *Çaunaka* is its immediate author.

Firstly, the *Kārikā* advocates the *Vaiṣṇava* faith. *Vishṇu* is repeatedly called the *devadeva*, the "god of gods," the worship of the *Tulasí* plant is frequently enjoined, and peculiar rites and symbols of the *Vishṇu*ites, such as the *nārāca*, the *padmāxa* and *tulasímani*, the *cakramudrá* are occasionally mentioned. Though the worship of *Vishṇu* may possibly be very old in India, nevertheless it is hardly probable that the adoration of the *Tulasí* should be derived from the times of *Çaunaka*, who certainly lived before *Pāṇini*. *Anandagiri*, the disciple of *Çankarācārya*, is, as far as I know, the first writer who testifies, that in his times divine honours were paid to this plant.

This circumstance prevents me from considering *Çaunaka* as the immediate author of the *Kārikā*. But as the work so ostentatiously uses the name of *Çaunaka*, and certainly teaches on the whole the ritual of the *Rig Veda*, and moreover shows in many points a close affinity with the *Āçvalāyanasaútras*, I am inclined to consider it as a redaction of the old *Çaunaka-smṛití* by a *Vaiṣṇava*. Some other points confirm this opinion.

Firstly, the title *Çaunakíyákārikā* itself suggests the idea of a verified redaction of an older work. The word *Kārikā* is used to designate "memorial verses," such as the verses attached to *Pāṇini's* grammar, and a class of works on scientific subjects composed in the *Anushtubh* metre. Thus we have a *Sámkhyakārikā*, *Mandúkopenishat-*

káriká, an *Açvályanagṛihya-káriká*, *Çankháyana-káriká*. But the *Sámkhya kárika* is confessedly later than the *Sámkhyasútras*, the *Açvályána-káriká* is said to be composed by *Kumárilabhaṭṭa*, the *Man-dúkopanishad-káriká* of course claims not the authority of the *Upanishad* itself.

It is therefore to be expected that the *Çaunakíyá-káriká* likewise is merely based on a *Çaunaka-smṛiti*.

The second circumstance, which is in favour of our theory, is that sectarians in general, and the *Vaishṇavas* in particular, have also in other cases both worked up older *Smṛitis* into new forms and interpolated them with additions of their own, and even composed some new ones under old names. I hope soon to give this question a fuller consideration, and content myself with mentioning here two cases. The one is that of the *Vishṇu-smṛiti*, which seems to be a *Vaishṇava* redaction of an older *Sútra*, and the second that of the *Bṛihaddhárítas-mṛiti*, which is a modern work, teaching exclusively the *Vaishṇava* rites and doctrines.

It is of course impossible to say which parts of the *Káriká* are new, and which old. But, in favour of the older work, we can at least make a tolerably safe conjecture. I have remarked already that the *Káriká* does not resemble exactly either a *Dharmasútra* or a *Grihyasútra*. We find also a number of quotations from *Çaunaka* in the *Mítákshará*, *Madanapárijáta*, and *Paráçara-mádhava*, which evidently are taken from his *Grihyasútra*, but to which nothing in the *Káriká* responds. The fact is, that our *Káriká* most probably is a versification of a number of *Paríçishtas* belonging to the *Çaunaka-grihyasútra*. Several collections of *Paríçishtas* treating of *Grihya* ceremonies are in existence. One of them belongs to the *Sáma Veda*, and includes a *mahánámnívratavidhi*, a *upanishadavratavidhi*, a *snánavidhi* etc. Another such collection is tacked to the *Baudháyana grihyasútras*. It closely resembles that contained in the *Çaunakíyá káriká*. It begins, just as this, with *Paribhášhás* and contains more than a hundred divisions, which treat of nearly the same subjects, as *Çaunaka's* work, *i. e.* *Samskára*, *Çánti* and *Çráddha*. The language is mostly prose, only a few divisions are in verse. Each part begins with the words "atháto vidhimvyákhyásyámah. "Now then we shall explain the rule for, " and generally ends

with "Atháha bhagaván baudháyanaḥ, thus says the venerable Baudháyana," or a similar phrase. Amongst other interesting matters we find in it also the 'rule of adoption' quoted by Nandapaṇḍita in the Dattakamímámsá. I shall give it below, and it will serve to show how great the resemblance is between the two works. What purpose these Pariṣiṣṭas served, and whether they belong to the same authors as the corresponding Sútras, are questions which are open to discussion. But the circumstance that Baudháyana's 'vidhis,' as well as those belonging to the Sáma veda, are chiefly in prose, strengthens the supposition that the Çaunakiyá káriká has been remodelled and verified by some later writer. It is not at all improbable that this Vaishṇava author, and the follower of Rámánuja who composed the introductory verses, are the same person, and that the work in its present shape is not older than the thirteenth or fourteenth century; for the Mítákshará and its immediate predecessor never quote this work. In the chapter on adoption it is not mentioned at all, and Viçveçvara as well as Vijnáneçvara elsewhere quote a Çaunaka in prose. On the other hand Devandabhaṭṭa and Nandapaṇḍita, who are both Southerners and countrymen of Rámánuja, quote it.

I now proceed to give the text and translation of the Putrasamgrahavidhi, according to my MS. compared with the Dattakamímámsá of Nandapaṇḍita, the Dattakacandriká, the Vyavahára-mayúkha and the Samskárakaustubha. There appear to have existed two redactions, one followed by the Dattakamímámsá and the Dattakacandriká, the other by the MS. and the other books mentioned. I cannot believe that this circumstance is accidental, especially as it repeats itself in the use of the Baudháyana-pariṣiṣṭa, where the Samskárakaustubha and my MS. are likewise opposed to the Dattakamímámsá and Dattakacandriká. Devandabhaṭṭa and Nandapaṇḍita are both Southerners, and the authors of the Mayúkha and of the Samskárakaustubha, as well as the possessors of the originals from which my copies are taken, are all Maháráshṭradeshashtha Brahmans, it would therefore seem that both in the case of the Çaunaka-káriká and that of the Baudháyana, there existed, two redactions, a Maháráshṭra and a Southern.

I give here the text of the former, as it is the shorter one, and the additions of the latter in the notes.

1. Çaunakoham pravaxyámi putrasamgrahamuttamam.
Aputro mṛitaputro vá* putrártham samuposhya ca.†
2. Vásasí kuṇḍale dattvá ushṇísham‡ cángulíyakam.
Ácáryam dharmasamyuktam vaishṇavam vedapáragam.
3. Barhih kuçamayam caiva páláçam cedhmameva ca.
Etányáhrityaṣ bandhúmçca jñáatínáhúya yatnatah.||
4. Bandhúnannena sampújya¶ bráhmaṇámçca viçeshatah.
Agnýádhánádi* yat tantram kṛitvájyotpavanántakam.†
5. Dátuh samaxam gatvá tu putram dehíti yácayet.‡
Dáne samartha dátásmai yeṣ yajne neti pancabhíh.
6. Devasya tveti mantreṇa hastábhyám parigríhya ca.
Angádangetyṛicam japtvá cághráya|| cicumúrdhani.
7. Vastrádibhíralamkṛitya putracháyávaham¶ sutam.
Nṛityagítaicça vádyaiçca svastiçabdaicça samyutam.*

* Datt. mím. page 1, line 6, Calcutta édition, bandhyo mṛitaprajo vápíti páth-ántaram. But íbid. page 32, line 1, this reading is attributed to Vṛiddhagautama. The sense remains the same, only the use of the word bandhya is remarkable.

Samsk. kaust. fol. 47, page 1, line 3, Bombay lith. ed. 1 : bandhyá mṛitaputrá vápi ; *i. e.* "a woman who is barren or whose children have died." This reading, if correct, would authorise women to adopt without having obtained the permission of their husbands or relations. But it is wrong, because in v. 13 and 14, the adopting person is spoken of in the masculine, and because Vedic rite cannot be destined in the first instance for women. Perhaps the reading was intentionally altered from that given in the Datt. mím.

† S'aun. kár. svakulasya ca "and for the sake of his family," gives no good sense.

‡ S'aun. kar. "coshṇísham." It seems to be a correction in order to avoid the hiatus which, however, is of common occurrence in the Anuṣṭubh of the Dharmasástras. S'amsk. kaust. "chattram, an umbrella," for dattvá. The whole then depends on áhritya.

Datt. mím and Datt. chand. add after this one half çloka : madhuparkena sampújya rájánam ca dvíján çucín, *i. e.* "having honoured the king (or lord of the village) and purç Brahman with the Madhuparka," according to the Datt. chandr. p. 65, l. 7 Calcutta édition, the verse also occurs in the Vṛiddhagautamasmṛiti. If inserted here, it disturbs the construction.

§ Etánáhritya. Datt. mím., Datt. chand. and Vyav. May. The neuter is the form required by the grammar.

|| Sattamah, Vyav. May.

¶ Annena sambhajya ; Datt. mím, Datt. chand. Vyav. May.

* Anvádhánádi yat ; Vyav. May.

Agnýádháníkam tatra Datt. mím. Datt. chand. Anvádhána means a kindling of the fire preceded by a statement of the objects of the ceremony (samkalpa).

† Otpavanádíkam S'aun. kár., Vyav. May. Datt. mím.

‡ Vácayet ; S'aun. kár.

§ Dátásau ; S'aun. kár., dátásmi Vyav. May.

|| Aghráya ; Datt. mím. Datt. chand.

¶ Chatracháyágam ; Samsk. Kaust., *i. e.* walking under the umbrella.

* Samyutah ; Samsk. Kaust.

8. Grihamadhye* tamádāya carum hutvá vídhánatah.
Yastvá hṛidetyṛicācaiva tubhyam agra ṛicaikayá.†
9. Somo dadadityetábhih pratyṛicam pancabhistathá.
Svishtákrídádihomam ca kṛítvá‡ çesham samápayet.
10. Bráhmaṇám sapinḍeshu kartavyah putrasamgrahah.
Tadalábhesapinḍeshu§ anyatra tu na kárayet.
11. Xatriyánám svajátau vá gurugotre samepi vá.||
Vaiçyanám vaiçyajáteshu¶ çúdránám çúdrajátishu.
12. Sarveshám caiva varṇánam játishveva na cányatah.
Dauhitram bháGINEYAM VÁ çúdránám cápi dápayet.*
13. Naikaputrena kartavyam putradánam kadácana.
Bahuputrena kartavyam putradánam prayatnatah.
14. Daxinám gurave dadyál-yatháçakti† dvijottamah.
Nripo‡ ráshtṛárdhamevápi§ vaiçyo vittaçatatrayam.||
15. Çúdrah sarvasvamevápi açaktaçced yathábalam.
Iti çaunakakárikáyám putraparigrahavidhih.

1. I, *Çaunaka*, will declare the most excellent (rule) for adopting a son. A person who has no son, or whose son has died, should fast (on the day preceding the ceremony) for the sake of a son.

2. (He then should) place (in readiness¶) two garments (upper

* Adhyetamádháya; Datt. mím., Datt. chanda—gríhametyedhmamádāya, *i. e.* having returned home and placed fuel on the fire; S'aun. kár.

† Yatváhṛidetyṛicenaiva. Datt. mím. yastváhṛidetyṛicācaiva. Datt. chand. yastváhṛidetidvábhyám tu. Samsk. Kaust.

‡ Hutvá; Vyav. May.—çesham ca kṛítvá homam samápayet. Samsk. Kaust.

§ Asapindo vá, Vyav. May. Datt. mím.

¶ Gurugotrasamopi vá; Vyav. May. gurugotrasamepi vá. Samsk. Kaust.

¶ S'údrajátishu S'aun. káriká and Vyav. May. against the metre.

* Caryadi; S'aun. kár. The reading in itself is senseless; but seems to point back to cápi dápayet. The reading given in the text is made up from this and the Samsk. Kaust. "S'údránámapi dápayet." The readings of the other works differ very much from ours:—

Dauhitro bháGINEYAÇA	{ çúdrasyá,
Pi ca díyate	{ çúdraistu,
Kriyate sutah	} Vyav. May.
	} Datt. mím. Datt. chand.

After this verse, Datt. mím. page 19, line 12, insert half a S'loka: bráhma-nádi traye násti bháGINE—yah sutah kvacit, *i. e.* amongst the three castes beginning with the Bráhmaṇ, a sister's son is nowhere adopted. The half verse is quite superfluous.

† Dattvá. S'aun. kár., Vyav. May.

‡ Nripa; Datt. mím.

§ Evátha; Datt. mím. Datt. chand.

¶ Ratnaçatatrayam; Samsk. Kaust.

¶ Borradaile translates according to the prayoga given in the *Mayúkha*: having given two pieces of cloth.....to a priest..... But the verb dá does

and lower) a pair of earrings, a turban and a finger-ring, procure a virtuous priest of the Vaishṇava faith, who has studied the Vedas to their end,

3. A layer of Kuça grass* (to place the *Ajyasthálí* upon) and fuel of Páláça wood, and pressingly invite his Bandhu (cognates) and his Sapinda relations (gentiles).

4. Having (next) honoured his relations by (placing) food (before them) and especially the Brahmans, he should perform the ceremonies beginning with the kindling of the sacred fire, and ending with the purification of the liquid butter.†

5. He (then) should go to the person who is going to give away (the boy) and order (the Acárya) to ask him, saying: "Give the child."

6. The person who gives (the child to be adopted, then says): I have authority to give (him the boy, and recites) the five (verses‡ beginning with:) "Who by the sacrifice."

7. (The adopter) should (then) receive the (boy) (drawing him into his legs) with his hands (reciting) the Mantra: "In the creation of Sávitri, &c." and mutter the verse: "From the several limbs, &c." and touch with his nose the child's head.§

8. He (then) should adorn the child which (now) resembles a son of the receiver's body, with the dresses and other (ornaments mentioned before).

9. Afterwards (he should) go to his (own) house accompanied by the (boy) with dancing, songs, and sounds of music and blessings,

not take the accusative of the thing given and of the person. The latter ought to stand in the dative, genitive, or locative. Besides, as I am informed, it is *not* the custom to give such presents to the Achárya at the beginning of the ceremony. The above translation is confirmed by the corresponding passage of Baudháyana. I take the literal meaning of *dattvá* here to be "tyúyam kṛitvá."

* Borradaile: "a bunch of sixty-four stems entirely of Kuça grass." I am informed, that so much Kuça grass is usually taken as can be held by joining the tip of the fore-finger to the tip of the thumb.

† A blade of Kuça grass (*paritram*) is placed lengthwise into the *Ajyasthálí*, and moved first horizontally and then upwards in order to take away insects, &c., that may have fallen into the ghee. This operation is repeated three times. (Oral information.)

‡ Rig. Veda. ix. 62, 1—5.

§ *Aghrá* is usually wrongly translated by 'kissing.' Regarding the correct meaning of the term and the origin of the custom, see my notice in Benfey's *Orient und Occident*.

and offer a burnt offering (of dressed rice) according to the rule, (reciting the verses, "I who within my heart, &c." and "To thee at first, &c.," and the five (verses), "Soma gave her, &c.," (presenting an oblation*) with every verse. Having then performed the Srishtakṛid, and the other offerings, he should finish the remainder (of the ceremony,) *i. e.* *Açírváda*, *dakshinádána*, &c.

10. Brahmans should adopt amongst their Sapiṇḍa relations, and if (a Sapiṇḍa) be not obtainable, amongst those (Brahmans) who are not Sapiṇḍas; but amongst others (persons of a different gotra) it should never be done.

11. Xatriyas (must adopt) (members of) their own family, or in a family, which has a spiritual teacher of the same (Brahminical) Gotra; Vaiçyas amongst Vaiçyas, and Çúdras amongst Çúdras.

12. And (persons) of all castes amongst their classes only, not otherwise. Amongst Çúdras he (the king) may (allow?) also a daughter's or a sister's son to be adopted.

13. No person, who has only one son, ought ever to give (him to be adopted); but a person possessing many sons ought anxiously to do so.

14. A Brahman ought to give a fee to the (officiating) priest according to his ability, a king even a half (of the income) of his kingdom, and a Vaiçya three hundred pieces (of money).

15. A Çúdra even all his property, or if he be poor, according to his ability.

Here ends in the *Çaunaka káriká* the rule for the adoption of a son.

In order to afford a comparison with *Çaunaka's* text, and on account of the interest which attaches to all the old authorities, I append the text and translation of *Baudháyana*. The text is based on my MS. of *Baudháyana's* work on *Grihya* ceremonies, where it forms the *Adhyáya* of the second *Praçna*, corresponding with the *Dattakamímámsá*, the *Dattakachandriká* and the *Samskárakaustubha*.

1. Putraparigrahavidhim† vyákhyásyámah.

2. Çonitaçukrasambhavo mátripitṛinimittakas tasya pradánaparityágavikrayeshu mátápitarau prabhavatah.‡

* Yastvá, R. V. verse 4, 10.—Tubhyámagra, R. V. x. 85, 38.—Somadadad, R. V. x. 85, 41—45.

† Putrapratigraho Samk. Kaust. f. 47, page 2, line 3, Bombay lith. ed.

‡ S'onte S. K.

3. Na tvekam putram dadyát pratigrihñíyádvá sa hi samtánaya púrveshám.

4. Na tu strí putram dadyát pratigrihñíyád ványatránujñánād bhartuh.

5. Pratigrihíshyannupakalpayate dve vásasí dve kuṇḍale angulíyakam cécáryam* vedapáragam kuçamayam barhih paṇamamayamidh-mamiti.

6. Atha bandhúnáhúya† madhye rájani cavedya parishadi vágáramadhye bráhmaṇánannena parivishya‡ punyáham svastyṛiddhimiti vácayitvá.

7. Athá deva yajanollekhana§ prabhṛityá prañítábhayah dátuh samaxam gatvá putram me dehíti bhixeta.||

8. Dadámí¶ títara áha.*

9. Tam parigrihñáti† dharmáya tvá grihñámi samtatyai tvá grih-námíti.

10. Athainam vastrakuṇḍalábhyaṃ angulíyakena cálamkritya paridhánaprabhṛityágnimukhát‡ kritvá pakvánnam§ júhoti.

11. Yastvá hṛidá kíriṇá manyamána iti puronuvákýámanúcyeva riviktá|| yasmai tvam sukṛite játaveda iti jáyjayá júhoti.

12. Atha vyáhrítir hutvá svishṭakṛitprabhṛiti siddhamádhenuvara pradánát.

13. Daxiṇám dadátyete eva vásasí ete eva kuṇḍale etatcángulíyakam.

14. Yadyevam kṛitvaurasah¶ putra utpadyate turíyabhágesha* bhavatí ti smáha baudháyanah.

1. "We shall declare the rule for the adoption of a son,

* Angutíyaka ácharyam. Datt. mím.

† Niveçanamadhye Datt. mím.—niveçanasya madhye Datt. cand.

‡ Bráhmaṇavágálambenopaviçya, sitting down according to the order of the Brahmans.

§ Devayajamánollekha. S. K.

|| Bhíxet. Datt. mím. and Datt. cand.

¶ Dadáníto.

* Aha left out by S. K.

† Atoham parigrihñámi S. K. tam parigrihñíteti Datt. mím. Datt. cand. reads parigrihñámi in every case for grihñámi.

‡ Agnimukhán S. K. agnimukham Datt. mím.—Datt. cand.

§ Paktvá Datt. mím.—tyaktvá Datt. cand.

|| Anúdyá, Datt. mím. and Datt. cand.

¶ Evamtvaurasah. Datt. mím. Datt. cand.

* Turiyabháge prabbavatíti. S. K. turíyabhágesam bhavatíti. Datt. mím. and Datt. cand.

2. “(A son) is produced from the seed of the male and the blood of the female. His mother and his father are the cause of his existence. His mother and his father have (therefore) the right to give him away, to abandon or to sell him.

3. “But nobody should give or receive an only son. For he is (wanted) to continue the line of his ancestors.

4. “But a woman should neither give nor receive a son without the permission of her husband.

5. “(A man) who is about to adopt a son, procures two garments, two earrings, and a finger-ring, a priest who has studied the Vedas to their end, a layer of Kuça grass, and fuel of Páláça-wood. Thus (is the rule).

6. “Then, having invited his relations to his (dwelling) and informed the king (of his intention to adopt), and having, in the assembly or in his dwelling, served the (invited) Brahmans with food, he should cause them to pronounce the benedictions: “(May) the day (be) auspicious! Hail (to thee)! Prosperity (to thee).”*

7. “Then having performed the ceremonies, beginning with drawing the lines on the altar, and ending with the placing of the water vessels, he should go to the giver (of the child) and ask him (saying): Give me (thy) son!

8. “The other answers: I give him.

9. “He receives him (the child with these words): I take thee for the fulfilment of (my) religious duties; I take thee to continue the line (of my ancestors).

10. “Then he adorns him with the (above mentioned) two garments, the two earrings and the finger-ring, and having performed the ceremonies beginning with the placing of the (pieces of wood called) *paridhis*, (fences around the altar) and ending with the *Agnimukha*, † he offers boiled rice into the fire.

11. “Having recited the *Puronuvákyá*: ‡ ‘Who thinking of thee

* All the verbs down to ‘he should ask’ stand in the text, in the absolutive. I make a division after *vácayitvá*, as the first part of the preparatory ceremonies before the Homa closes with the *punyáhavácanam*. The formula of this rite is the following: The performer says, Sirs, wish (me) an auspicious day! Brahman: Om, may the day be auspicious, etc.

† I am not certain about the meaning of this word. But it may possibly indicate the oblation to *Agni*, which are offered to the eyes of this god, *i. e.* in the north-eastern and south-eastern corners of the altar.

‡ *Taitt. Veda. i. 4, 46.* The *yastváyá* is found in the same *kánda*.

with a discerning mind,' &c., he offers an oblation with the Yájya : 'To whom the performer of good deeds,' &c.

12. "Then having offered the (oblations accompanied by the recitations of the) Vyáḥritis, he finishes the ceremonies, beginning with the oblation to Agni sviṣṭakṛit, down to the presentation of a cow and presents (to the officiating priest).

13. "He presents (to him) as sacrificial fee, those two pieces of cloth, those two earrings, and that finger-ring (with which he had before adorned the child).

14. "If after the performance of these rites a (legitimate) son is born (to the adopter) (then the adoptive son) receives a fourth of (the son's) share. Thus says Baudháyana."

It now remains for me to return to the question, how far the recovery of the Çaunaka káriká affects the law of adoption. This chapter of the Hindu law is in a worse state than any other, chiefly because there is not, as in the case of Inheritance, Divisions, &c., for each school of lawyers one paramount authority, which lays down its fundamental rules and its principles. The Dattakamímámsá of Nanda Paṇḍita, it is true, enjoys a certain esteem all over India, but, in the Bombay Presidency at least, not to such an extent, that it would overrule the conflicting opinions of all other writers. On the contrary, besides this work, the Bombay Pandits always consult and frequently follow four other works, the Vyavahára-mayúkha, the Nirṇayasindhu, the Samskárakaustubha, and the Dharmasindhu.

On account of this state of things, the Hindu lawyer will be called upon to examine the principles on which the conflicting opinions rest much oftener in this part of the law, than anywhere else. It is therefore also most important to possess the ancient original works in their integrity from which the modern writers profess to draw their opinions, and to know their history and critical condition.

One of the points in the law of adoption, on which views directly opposed to each other are advocated by writers of eminence, is the question whether a Hindu widow has the power to make an adoption.

Nanda Paṇḍita distinctly denies her right to do so under any circumstances whatever. Nílakanṭha, the author of the Mayúkha, permit it, provided the widow has obtained the permission to do so from her husband before his death, or can procure the sanction of her rela-

tions and guardians after his death. The Nirṇayasindhu, the Samskárakaustubha, and the Dharmasindhu declare that a widow may adopt without the permission of her relations.

The advocates of the latter opinion give, as one of their principal arguments, the second half of the first verse of the Çaunakasmṛiti, where they read: 'Vandhyá mṛitu putrá vápi.' 'A woman, who is childless or whose sons have died (may adopt).' If this reading were correct, a widow would certainly have the right to adopt, as she pleases. But I have already pointed out in the note appended to the text, that it is wrong, and perhaps a clumsy forgery of the advocates of the widows' rights.

This example will suffice to show, how the recovery of the original Smṛitis may be turned to some use for some practical purpose in the discussion of points of the Hindu law, important even if their importance for the reconstruction of its history be left out of sight.

Notes on Atranji Khera or Pi-lo-shan-na of General CUNNINGHAM, (vide Continuation of Report for 1862-63, No. VIII. page 15.)—By C. HORNE, Esq., C. S.

[Received 5th January, 1866.]

This morning Dr. Tyler kindly drove me, by a country road viâ Rah and Sirnow villages, some ten miles to the village of Achulpow, nearly north of Etah, crossing, when within a mile of the said village, a ravine styled the Kalee Nuddee. Just beyond this village, of which it forms a part, rises the huge Khera or Mound, which, I was informed, contains in its area 500* statute beegahs of land. The height varies from 40 to 50 feet, and it forms a very imposing object, and is covered with scattered broken bricks and fragments of pottery of great thickness, being likewise garnished with a few bushes and two or three peepul trees.

The circuit, as by the measurements of the Moonshee deputed by General Cunningham, is as follows:—Length at base 3,250 feet with a breadth of 2,550 ft. The general form is rectangular, although it is

* Equal to 198 $\frac{2}{3}$ acres.